AUSTRALIAN FEDERAL POLICE

PLATYPUS MAGAZINE



Ready to listen

Police negotiators most often turn out to be a welcome sight for people "having the worst day of their life"

Negotiators at a glance

Under extremes

Vital connection

Call disconnected

Malicious Mr Evil

JUL-DEC 2014



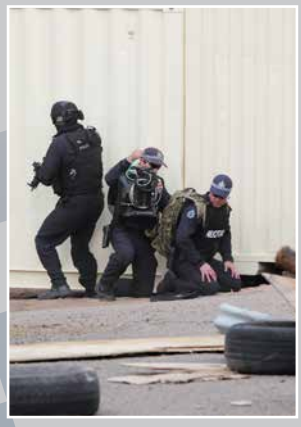
The platypus has been adopted by the Australian Federal Police as a symbol representing the diverse requirements placed on members in the execution of their duties.

This unique and tenacious Australian animal is a survivor against increasing pressure from today's environment. It leaves no stone unturned in its daily pursuits and has equipped itself with a range of features to adapt to changes over many years.

It is capable of passing unnoticed if required, yet it demonstrates an unfailing dedication to explore all possibilities in an effort to maintain its special place in Australia's environment.

Although generally a peaceful animal, the platypus is able to defend itself, if necessary, with a venomous spur. This is done, at times, against larger and more powerful opponents—a quality admired and respected by members of the Australian Federal Police.

AFP
AUSTRALIAN FEDERAL POLICE



Cover image: Negotiators and a tactical response team deploy collaboratively on all operations.

AUSTRALIAN FEDERAL POLICE
PLATYPUS
MAGAZINE

Edition 116

AFP production team for this edition:
Editor: Graham McBean
Journalist: Graham McBean
Designer: Nicole Green
ISSN 1441-8061

AFP Platypus Magazine is the journal of the Australian Federal Police.

Requests for permission to reprint material appearing in *Platypus*, and all general correspondence, should be addressed to:

The Editor
AFP Platypus Magazine
Corporate Communications
GPO Box 401
Canberra ACT 2601
Telephone (02) 6131 5960
Facsimile (02) 6132 6084
Email: news-and-digital-publishing@afp.gov.au

Opinions expressed in published articles are those of the authors and do not necessarily reflect AFP policy.

Ready to listen 4

Police negotiators most often turn out to be a welcome sight for people "having the worst day of their life".



This issue

Commissioner's message 3

Ready to listen 4

Negotiators at a glance 10

Teamwork = success 11

Under extremes 12

AFP negotiators made a significant difference to Australians caught up in the 2008 Mumbai attacks.

Vital connection 14

International liaison officers are a vital connection in the AFP's law enforcement partnerships across the world.

Call disconnected 23

Telecommunications data retention is a critical issue for law enforcement to prosecute serious criminals and the public needs to know the issues.

Malicious Mr Evil 28

Mr Evil's digital trail of destruction ultimately spelled his own downfall and a gaol sentence.

Cooperation is the secret to AFP success 30









Platypus is now online



The AFP Platypus Magazine is available online and can be read anytime, anywhere in the world.

In its online format, Platypus continues to bring readers in-depth stories on investigations, international and domestic operations conducted by the AFP and its partners.

For this edition (Jul-Dec 2014) and all future editions please go to www.afp.gov.au/platypus.



www.afp.gov.au/platypus



Commissioner's message

It is with much pleasure that I introduce the new edition of AFP Platypus Magazine – my first as the newly appointed AFP Commissioner. Firstly, I would like to congratulate previous Commissioner, Tony Negus, on a distinguished 32-year career and on the success of his five-year leadership of our organisation. I also wish him the very best in his future endeavours.

This edition again highlights the key role that AFP members perform in fighting crime at home and overseas. The lead-feature series focuses on the AFP's Police Negotiators Team and demonstrates the professionalism and expertise that makes the AFP renowned for its excellence.

The comprehensive look at this specialist trade covers off on their role, training, operations and an overview of the science behind the art of successful negotiation operations. It highlights the fine line of establishing communications in situations of extreme duress and the empathy required to understand the emotional currents that impact on hostage situations.

The first-person operational account of an AFP negotiator involved in the 2008 Mumbai attacks illustrates the importance of this specialist trade. Working from the Department of Foreign Affairs, the negotiators contacted, consoled and advised Australian citizens who were caught up in the terrorist attacks. This extended spread provides a small insight into this little known world.

Similarly, this edition of Platypus highlights the growing impact of the South American drug trade on Australia. The incredible markup on cocaine creates incentive for drug syndicates to target Australia. The feature article illustrates the importance of the partnerships established by the International Network in the Americas to tackle the drug syndicates at their source.

The article also documents the growing importance of the American Police Community (AMERIPOL) organisation. The 30 member and 21 observer countries and agencies are mounting a collaborative offensive that will tackle drug syndicates in South America as a whole.

Finally, National Manager High Tech Crime Operations, Tim Morris explains how crucial retaining telecommunications metadata is for law enforcement agencies in the fight against crime.

Much misinformation about metadata has clouded the public discourse on this issue. Assistant Commissioner Morris provides a comprehensive overview on why the retention of telecommunications data records is pivotal in establishing investigations against criminals. The case study on Operation Damara provides a perfect example of how gaining access to metadata helps law enforcement bring criminals to justice.



Commissioner Andrew Colvin

Ready to listen

Police negotiators most often turn out to be a welcome sight for people "having the worst day of their life".

As the Mumbai terrorists stalked the corridors of the Taj Mahal Palace & Tower Body, terrified Australian citizens hid in cupboards. Their only solace was the voices of Australian police negotiators deployed from the AFP to support them.

There was no chance of reasoning with the attackers who wreaked a three-day path of carnage in which 166 people were killed. Yet, into this nightmare scenario a voice of reason could bring some semblance of calm. Some chance of at least making even this terrible situation better.

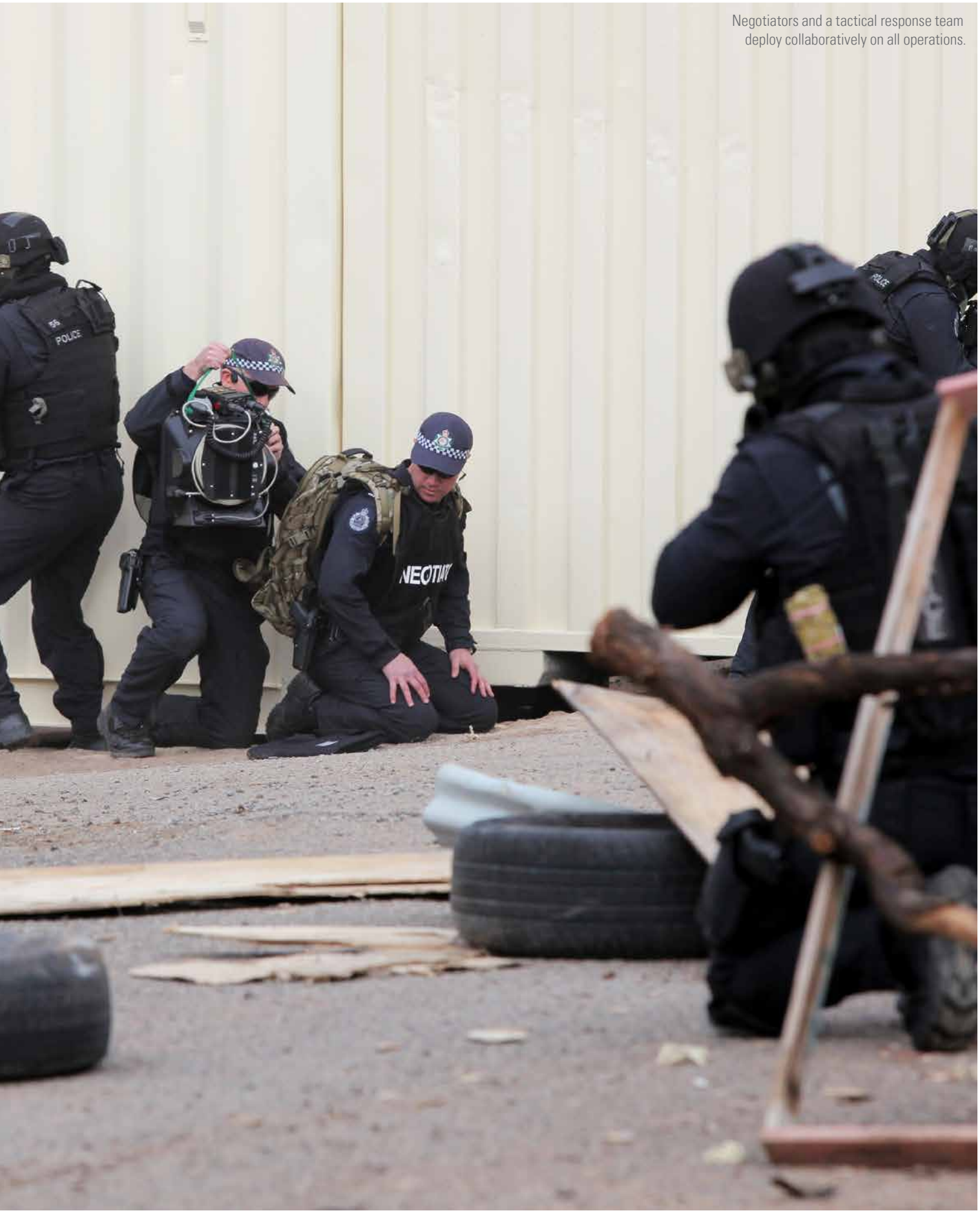
The simple fact is that it's never going to be a good situation if the AFP's Police Negotiation Team (PNT) is needed. The people that PNTs are called to respond to and, more often than not, support and assist, are generally at a low emotional point in their lives. It's an extreme action to take someone hostage or to threaten suicide or any other circumstance where a desperate act is seen as a last, viable option.

It might surprise some that AFP negotiators deploy on average about 50 times each year. Most of those deployments are in the PNT's role in servicing domestic ACT Policing operations. These tasks range from suicide intervention and mental health issues to kidnapping and delivering high-risk search warrants.

But even more surprising is that AFP negotiators have been deployed internationally every year bar one back to 2002. This includes multiple deployments



It might surprise some that AFP negotiators deploy on average about 50 times each year.



Negotiators and a tactical response team deploy collaboratively on all operations.



Students take part in a training scenario during their Basic Negotiators Course.

in some years as well. Tasks included emergencies such as the Douglas Wood kidnapping in Iraq, the MH17 deployment to Ukraine this year – and the Mumbai terrorist attack in 2008.

This is the world of a police negotiator. In these highly charged emotional circumstances it's a delicate operation to defuse the situation. There are high stakes involved. Lives are at risk. Negotiators say there is not one type of person or personality that makes a good operator. But clearly it takes a certain person to take on the onerous responsibilities of the job and its possible consequences.

Federal Agent Luke trained as a psychologist before joining the AFP in 1999. He did his Basic Negotiators Course in 2002 and says he was "quite lucky" in becoming one of the AFP's six fulltime negotiators two years ago, to which he attributes his psychology background in clinical counselling. He is now a Negotiator team leader with the PNT at the AFP's Majura Complex in Canberra.

"Often when we are dealing with someone that has reached a degree of dysfunction and crisis," Federal Agent Luke says. "There could be a number of variables. Some we are going to be able to control and some we are not."

"So it depends on what those variables are – which may be substance, alcohol and other drugs. It might be mental illness; we might have a long-running history of personal dysfunction in the subject. Or we may have a person who is just experiencing the worst day of their life."

Finding the right people for the job is critical in any trade. In finding and recruiting negotiators it is paramount. Federal Agent Luke says a key ingredient is problem solving skills. Listening skills are hugely important. He says a negotiator should only do about 10 per cent of the talking. The other 90 per cent is listening, observing and attending.

He highlights temperance as another key quality. A negotiator needs to be non-judgmental. He says police biases need to be left behind. "I think we look for people that are good at what we call novelty – the ability to walk into a new situation, an unfamiliar situation, and make sense of it quickly and then become functional and capable of influencing an outcome in that environment."

"Often we get people that are highly intelligent," he says. "In the initial phases of training they demonstrate all the attributes we are looking for. But often they are people that are used to achieving."



"So when they meet failure – like we all do during the training phases – it is an unfamiliar and unpleasant experience for them. They tend to, for whatever reason, fail to perform after that. They have trouble regrouping and often they are very hard on themselves and they find themselves winding up in a bit of a negative spin."

"So often it is just those people that are resilient and forgiving of themselves. When they perceive themselves to have failed they are able to pick that all up, put it behind them, regroup, refocus, adapt and move forward."

One of Federal Agent Luke's very first jobs as a negotiator in 2002 highlights the very subtle nature of police negotiations. Specialist response teams was called to a house in suburban Canberra where a young male, experiencing drug induced psychosis had forced his family to barricade themselves from him inside the house, while he positioned himself on the verandah, between his family and police.

The male was armed with a bush knife, was psychotic and continued to ingest drugs throughout the incident. He presented a real threat to his family, himself and Police. Agent Luke spoke with the male for a couple of hours while he continued to behave unpredictably, but had missed some key issues or "hooks", partially due to the subject's incoherence and partially due to the Negotiators inexperience.

Eventually, it became apparent the subject was scared of needles and hospitals as a result of past treatment. He knew he needed medication, but couldn't articulate that he needed a different method of administration. The lesson was that no matter how disorganised or irrational a person may appear, they may still be trying to communicate, and be capable of being receptive if an officer is paying the right attention.

The science of negotiation

Former New York Police Department (NYPD) officer Harvey Schlossberg is considered the father of police negotiation doctrine. The NYPD in the early 1970s was concerned about the rising number of deaths in police responses to critical incidents. The Attica prison riots in 1971 left more than 30 people dead, including corrections officers. It was a hostage crisis that would propel Schlossberg to form a specialist field of police negotiations.

He had recently graduated with a PhD in psychology, when he observed NYPD officers in the bizarre hostage siege in 1972. Bank robber John Wojtowicz, and his co-accomplice and male partner Sal Naturale, held 10 people hostage in a Brooklyn bank. Wojtowicz demanded money for his lover's sex change operation. The case would later spawn the movie, Dog Day Afternoon.

Schlossberg was convinced that there was a methodology in the way that the NYPD officers dealt with Wojtowicz who was later arrested and the hostages were freed. Sal Naturale was killed in the resolution. Ultimately, the world's first hostage negotiation team graduated in 1974 under Schlossberg's direction. That team has been emulated and developed the world over.

The AFP PNT has evolved away from a strict Schlossberg/US model. The AFP adapts the six principles developed by marketing guru Dr Robert Cialdini, author of what is considered a seminal work in *Influence: The Psychology of Persuasion*. Even so, there are general principles that underpin what Federal Agent Luke calls the science of how we are persuaded.

PNTs deploy jointly with a strategic-response capability. The two teams work collaboratively but report independently to the Police Forward



Commander, who ultimately decides on the direction of the operation based on their reports.

The first step is containment. The PNTs focus on the containment of the hostage situation as the tactical response contains the physical geographical environment. The objective here is to contain the situation geographically and stabilise the situation when emotions are initially high.

The next step is to de-escalate the situation. Emotions run high in those initial stages. "Our job is to create a vacuum of emotions" Federal Agent Luke says. "We are immediately going to try and de-escalate the situation and remove all the emotion out of it – distil the emotion, calm everything and slow everything down."

As the initial panic of the situation subsides, the often lengthy period of the negotiation process follows. PNTs work in teams of up to five people. The primary negotiator takes the lead in establishing contact with the hostage taker. Meanwhile, team members work in the background supporting the lead negotiator.

The team's role is to begin gathering information. Important information is most often gleaned from the family on health issues and history and present situations. "The team should immediately be looking into the subject, and attending to them completely – listening, watching and smelling if they have to." It is



Negotiators at height during a suburban operation

Negotiators at a glance

AFP Police Negotiation Team

The AFP Police Negotiation Team has six full time members and 29 part time members. 31 are located within the ACT geographical area and are drawn from both ACT Policing and National. The team has four negotiators situated in the Melbourne, Sydney, Brisbane and Darwin regions.

Roles and tasks

Suicide intervention
Persons with mental health issues
Kidnapping/extortion
Sieges
Barricaded offender situations
Escapees
Warrants – search, Drug of Dependence Act 1989 warrants, firearms, high-risk warrant execution
Family law matters
Public order management
National counter-terrorism incidents
International operations as required

International training conducted

Thailand
Philippines
Papua New Guinea
Japan
India
Nauru
Singapore
Vietnam

Training

Basic Negotiators Course – 2 weeks

Advanced Negotiators Course – 1 week

Australia New Zealand Counter Terrorism Negotiators Skills Enhancement Course – 1 week (hosting jurisdiction rotated and conducted once yearly)

Annual validation training – 8 days annually to maintain qualifications

Participation in training exercises – ACT and interstate

Forums

Australia New Zealand CTC Negotiator Capability Forum

Australia New Zealand CTC Negotiator Working Group

International Negotiator Working Group

Australia New Zealand Police Advisory Agency

those vital 'key issues' or 'hooks' that are crucial to getting to the bottom of the situation.

"So the faster the primary negotiator can attend to a key issue in a subject, whatever that may be, the better likelihood we have of identifying what the core issues is. The faster we do that the quicker we can start to de-escalate by addressing those issues."

"The science is to not just represent as a sort of symbolic punitive 'state'. The less we present as the state and trying to tell people what to do as opposed to working out what their problem is and trying to find a solution the better result we get."

As the hours draw on in a negotiation the situation transforms. Hostage and hostage taker all need food, water and rest. Often after hours of intense negotiations the hostage taker is emotionally exhausted. The initial emotional charge that led to the circumstances seems trivial.

While the hostage taker tires, the PNT can rest and be refreshed. The hostage taker – particularly if it is a lone individual – needs to be on constant guard. Some operations have ended when the hostage taker has fallen asleep and police have quietly removed the hostages and taken the perpetrator into custody.

Even in desperate situations such as the Mumbai attacks, negotiators can work toward the best possible situation. At those times, a calm mind amid that most unusual chaos can guide and protect as best they can those people in an extraordinarily vulnerable situation.

Ultimately, a hostage taker has limited options. Fortunately, most resolutions end with surrender to the police. If the situation does worsen then a tactical resolution may be employed. The success of the AFP's PNT is, however, encouraging. There have only been two deaths, negotiators were not at fault, in the 30 years of the team's existence where negotiators have been called to assist. That's a good sign for someone having the worst day of their life.

Teamwork = success



Constable Beck Wenham reaches new heights during her Basic Negotiator's Course.

Constable Beck Wenham wasn't expecting the Basic Negotiator's Course to be easy – but she wasn't expecting it to be the hardest course she has ever done either.

The former air force member also has a university degree in criminology, so she has a diverse experience on which to compare the demands of being a negotiator.

She graduated from recruit training in November 2011 and was looking for a new challenge to take her out of her comfort zone. The 11-day course did that just fine.

"Negotiations could range from 30 minutes to five hours," Constable Wenham says. "It pushes you to your limits – mentally, emotionally and psychologically."

Since completing the course in June, Constable Wenham has now joined the AFP's Police Negotiation Team (PNT) as one of its 29 part-time members.

Every five weeks she is on call to respond to a domestic negotiation task in the ACT as part of her general duties police role at Woden station.

Given the PNT responds to about 50 operational tasks each year, chances are that Constable Wenham will soon gain real-time experience as an operational negotiator.

The intensity and the demands of the Basic Negotiators Course is the perfect preparation for stepping into that space for real.

Training features a continuous stream of exercise scenarios that illustrate and enhance the theory.

Students are confronted with highly charged, complex and emotional situations – and may in fact, experience failure. They are expected face that failure, overcome it and deal with it to the satisfaction of the directing staff.

Constable Wenham says personal emotions were challenged "to a massive degree". A lengthy hostage scenario is one such training exercise that pushed her to the limit.

"It's like I pretty much had to put on the big straight face and be professional as much as you can," she says.

Ultimately, the training compels each student to look to and depend on their teammates for success. The frustrations, the stress, the emotions – they are too much for a lone individual.

"It's important to be professional during situations police negotiators are faced with," she says.

"In the back of your mind, you are constantly worried for people's safety, especially in that hostage situation. All you want to do is get those people out and a lot of hostage situations can last for hours on end."

"We all had our different ways of learning," Constable Wenham says, but adds "that's why you need a solid and grounded team assisting you to get through every situation".

Under extremes

AFP negotiators made a significant difference to Australians caught up in the 2008 Mumbai attacks.

Detective Leading Senior Constable Nick Maguire was just about to finish his rostered shift when the phone rang. The AFP negotiator was directed to report to the Department of Foreign Affairs (DFAT) building in Barton, Canberra. For the next three days, the 2008 Mumbai terror attacks became the central focus of his life.

"We got a call saying 'grab your gear, go to DFAT, tell them who you are and you will get briefed from there'," Detective Leading Senior Constable Maguire says.

He and three other AFP negotiators were seconded to contact more than 100 Australians believed to be in Mumbai as the attacks erupted across multiple targets. More than 160 people were killed and more than 300 were injured during the four-day siege.

"We were taken to the DFAT crisis communications centre and given some basic briefings. Then we were given this enormous list of Australian residents; all that stuff from Smart Traveller. They said 'we need you to figure out where these people are and what they are doing'."

The negotiators set about texting people on the list. But first, a strategy was planned as to exactly what they should say. They didn't want to give away too much information if the phone had already been compromised by the terrorist group. But they also wanted a text that would "tick all the boxes".

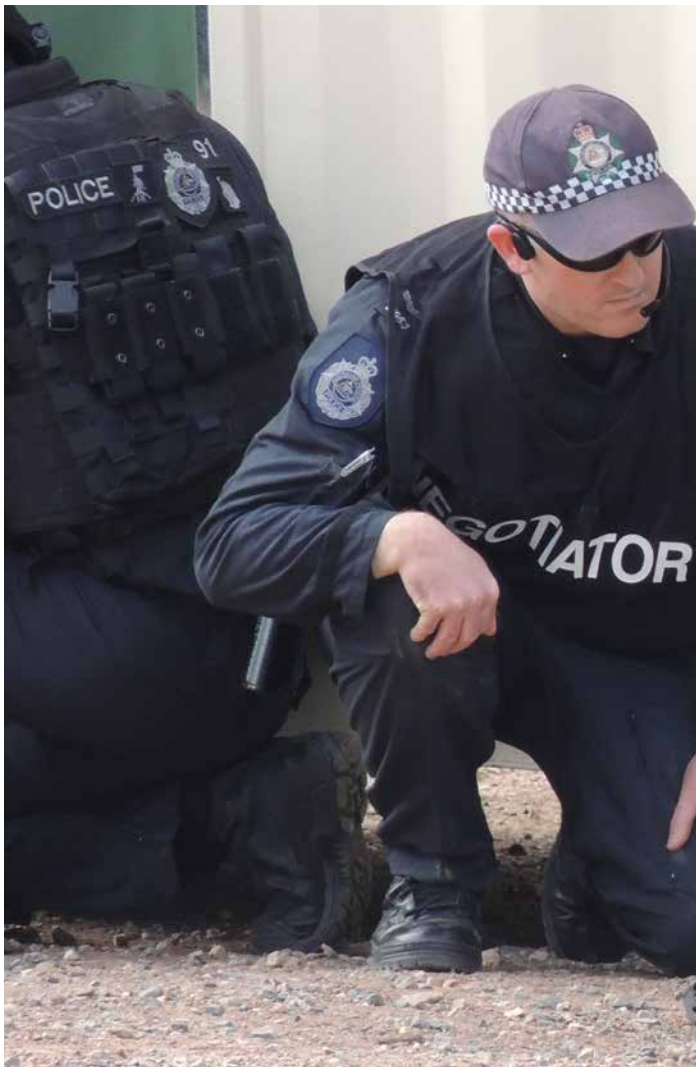
As texts began to return, the negotiators confirmed if the person was safe and okay and whether it was safe to call them direct. "We didn't want to be ringing someone if they were sitting in their room with hostage takers standing over them."

A picture of the situation emerged. DFAT was providing realtime information. Relatives in Australia also were ringing with information and supplementing the information returned by the text messages. The list was soon whittled down to about 40 people in critical areas. Most of those were in the Oberoi hotel – one of the primary targets.

"At one stage we were talking to a group of trade delegates. They were pretty panicky," he says. "We went through the usual protocol with someone who is in a hostage sort of situation; just trying to get them to take stock of where they were at and settle themselves down and be realistic about what was going on."

The negotiators talked the Australians through the situation and their circumstances. A key question was whether they should try to escape the hotel. At one stage the negotiators received a text saying "please call" from an elderly male who was escaping via the Oberoi restaurant. He was almost free when he encountered dead bodies and began to panic.

"We said 'don't worry about that – there is nothing you can do about it – you just have to keep going straight ahead."



"We were giving instructions we would normally give to people in a family violence scenario like 'can you see police? … yes? … then walk toward them, keep your hands by your side and be polite'. We were drawing on Western policing and how we respond to these sorts of incidents."

It was decided in Canberra that people who were safe in their rooms would be better off staying there. While escape was an attractive option, venturing outside into unknown situations was risky.

Basic survival advice was provided. Draw the curtains; fill up the bath with water while services were still running; and keep away from the minibar as alcohol was not a good idea at this stage. While the attackers at the Oberoi were on other floors, the negotiators talked through places that would provide concealment and cover from ballistic attack.

While negotiators are not trained specifically for this situation, they proved to be the perfect solution under extreme circumstances. "There was an enormous need on behalf of the Government," he says. "Our role was to provide that communications link from the crisis stronghold back to Australia. So the team was pretty happy and DFAT was happy with us."

"A few of the people we had been dealing with passed on messages and we got a couple of calls saying 'thanks very much guys – I don't know what we would have been able to do if we hadn't been able to talk to you for the last couple of days."



Detective Leading Senior Constable Nick Maguire (right) in training in Canberra.



The JaReVe

Vital connection

International liaison officers are a vital connection in the AFP's law enforcement partnerships across the world.

It was like a Hollywood mystery. The 13-metre 'ghost' yacht lay beached on a tiny island 20 kilometres from Vila. Inside, Tongan police found a badly decomposed body. Further investigation revealed more than 200 kilograms of cocaine hidden in the hull of the boat bound for Australia.

But the beached JaReVe was no mystery to police. The US Drug Enforcement Administration (DEA) had alerted Australian authorities that the JaReVe had departed Ecuador en route to Australia with two crew members. What happened exactly to the ill-fated JaReVe, or the second crew member, is a mystery.

There is nothing really unusual about the massive drug shipment either. The cocaine on the JaReVe had a street value of $116 million in Australia. It's easy for a lone yacht to avoid detection in the large expanses of the Pacific Ocean and the criminal rewards are massive.

The JaReVe wasn't so successful. Law enforcement tracked the yacht from Ecuador to the Cook Islands. At this point the JaReVe dropped off the police radar and sparked a massive search to find the yacht before it arrived somewhere in Australia. Inevitably, the JeReVe ended its fateful journey on Luatatifo in the northern Vava'u province of Tonga.

▪ ▪ ▪

The Australian connection to South American drugs is not something that looms large in Australian consciousness. The world of Mexican drug lords and firefights between warring drug syndicates seems remote. Like the JaReVe, it does sound more like a movie than Australian reality.

Yet, changing circumstances are making Australia a prized destination for South American drugs. A single kilogram of cocaine can be bought for $2000 in Colombia. That same kilogram of cocaine can sell for $250,000 in Australia. That economy of scale is a significant motivator to drug syndicates.

During the last two years at least two detected large-scale cocaine imports via small craft to Australia have seen the drugs originate from Peru. Law enforcement authorities are expecting those drug detections from South America in general to increase.

"The markup there is what's enticing people to take the risk," says AFP Commander David Sharpe. "We have seen an increase over a number of years of the small craft coming into Australia carrying 400-500 kg per venture. There was a 700 kilogram shipment in Vanuatu that was destined for Australia. But we also see shipping containers and students are now a big issue out of South



Drugs from the JaReVe.



Cocaine seized on the JaReVe.

America – students are paid money to carry suitcases concealing drugs into Australia."

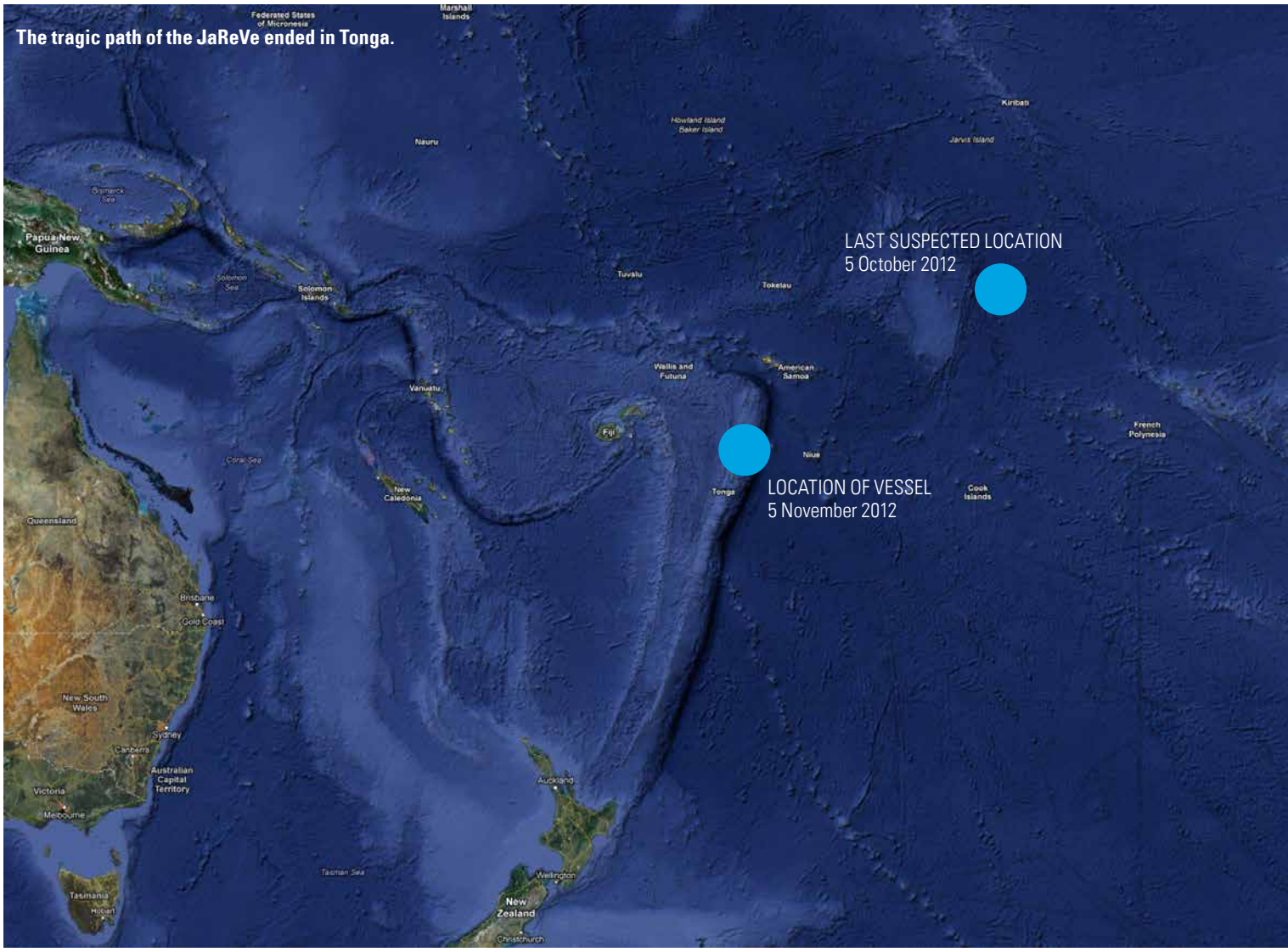
Drugs, of course, are not the only problem in the Americas. Commander Sharpe says crime trends are cyclical. Counter terrorism was an important focus in the post September 11 world and has a new focus in response to conflict zones such as Syria and Afghanistan.

Cybercrime is another pressing issue in North America and shares an equal focus with organised crime. The region is also the source and transit point of transnational crime such as money laundering, high-tech and tech-enabled crime and online child sexual exploitation. But drugs in the Americas are always big business for criminals.

International Network

The AFP's International Network is a critical element in combatting this transnational crime from the Americas. AFP liaison officers are located in Washington, Los Angeles, and two in Bogota. A further counter terrorism liaison officer is located in Washington. The AFP also has the Police Advisor United Nations in New York.

Commander Sharpe's position as Manager Americas, Europe and Africa is one of three managers from the AFP senior executive service (SES) posted to the International Network. These positions, along with the MIN role operate under the new AFP Regional Manager Strategy which was



The tragic path of the JaReVe ended in Tonga.

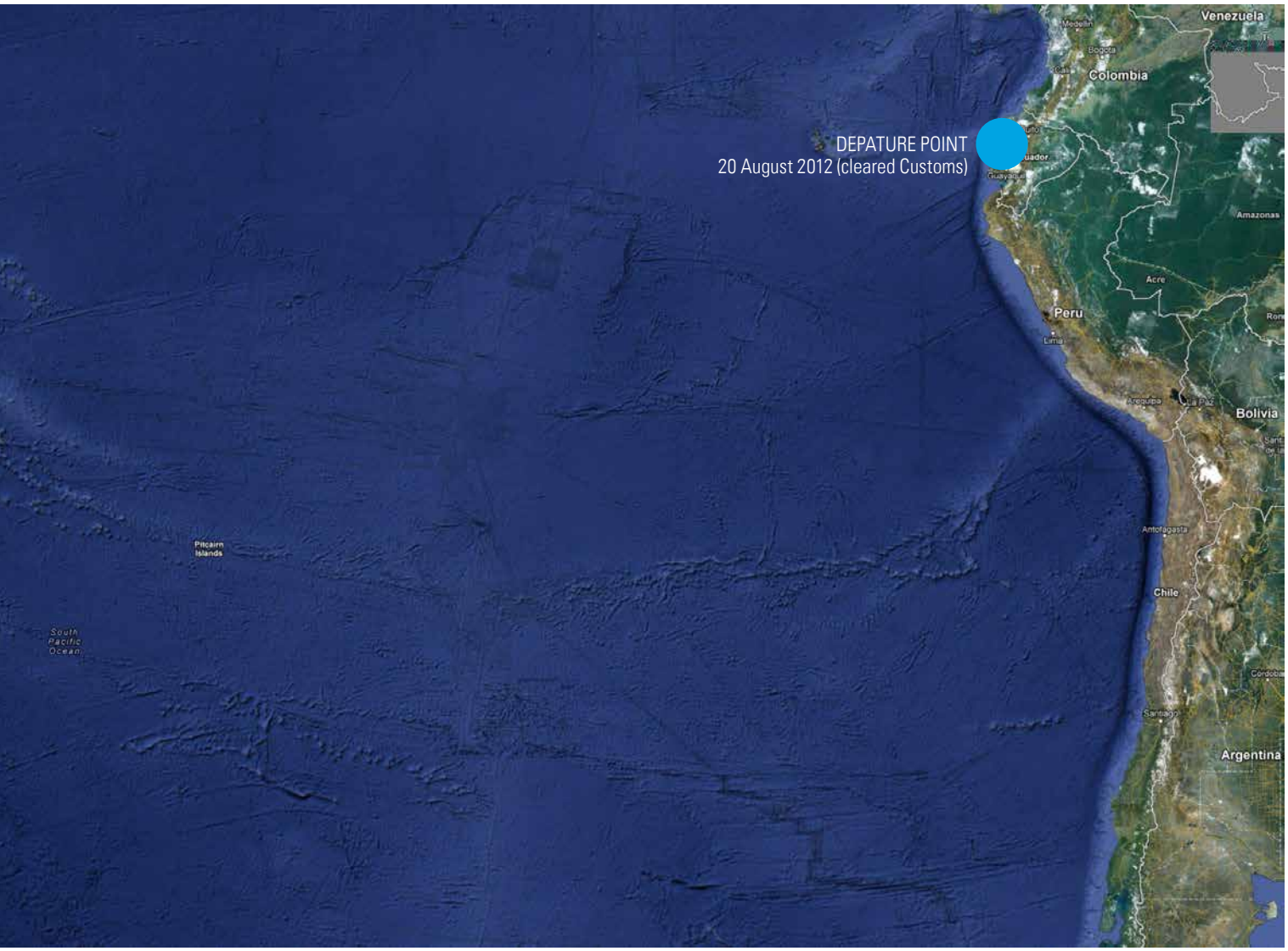
implemented on 1 January 2014. It's the first time SES officers have been posted offshore to coordinate regional responses.

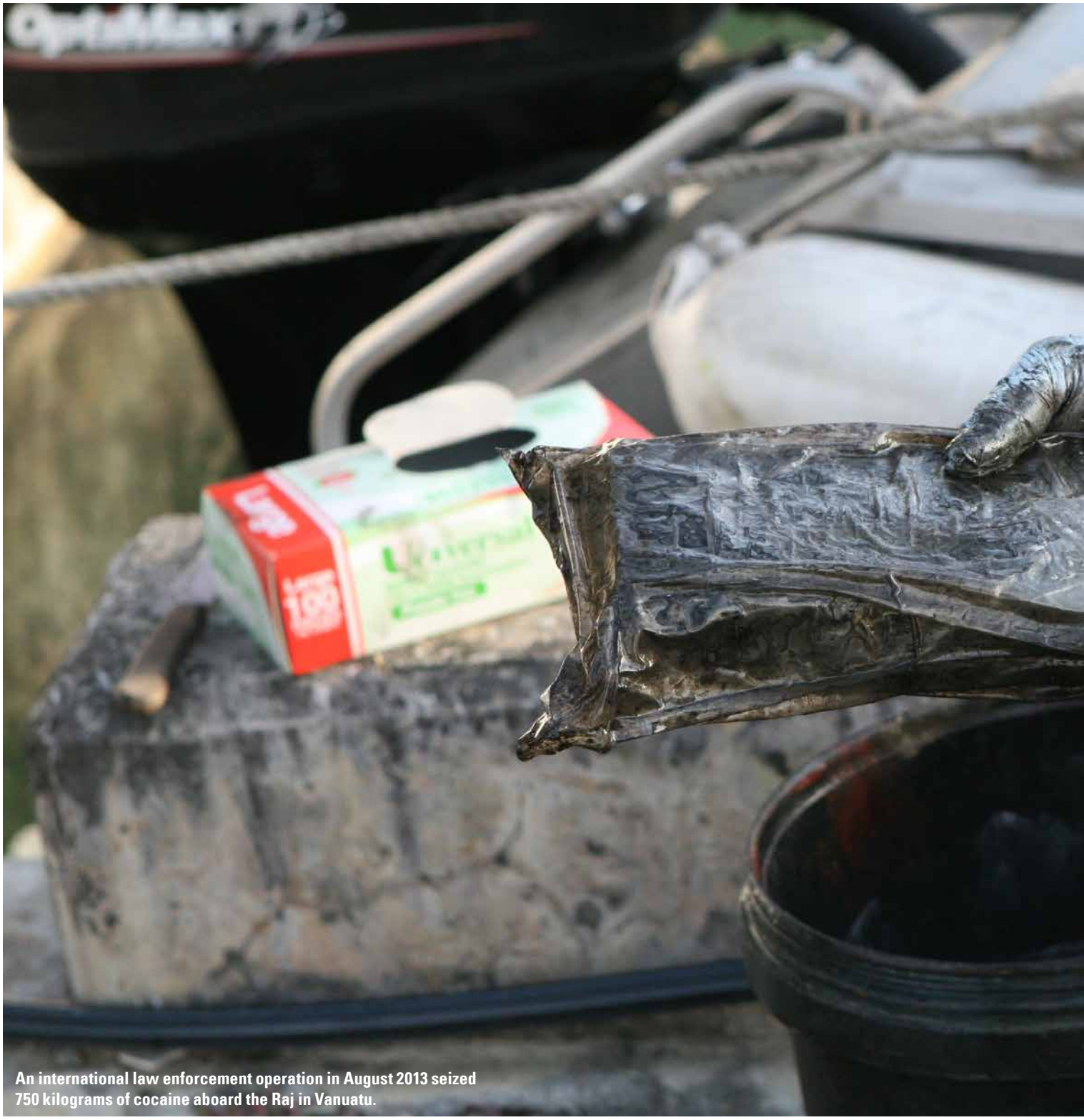
The liaison officers provide a vital operational link with international law enforcement agencies – not only in the Americas but in 36 positions around the world and with Interpol and Europol. The primary role is to develop and maintain relationships with the host countries.

Importantly, the network gives the AFP the ability to obstruct organised crime offshore and at its source. Developing real ties with host countries enables and simplifies intelligence sharing in a way not possible by contacting people unknown on the other side of the world. Host countries also then have a direct point of contact for their own enquiries from the AFP.

"The DEA and the FBI have a strong presence in South America," he says. "The AFP leverage off the strength of these partnerships in the region to disrupt organised crime syndicates at the source. The key is to be able to develop and maintain those relationships at the highest levels of those agencies."

Partnerships are more than just having a point of contact. The network engages at the highest levels with host governments. AFP members take part in discussion on strategy and the response to organised crime. The AFP's Bogota post has a Transnational Crime Team that includes 10 Colombian police officers.





An international law enforcement operation in August 2013 seized 750 kilograms of cocaine aboard the Raj in Vanuatu.

These are all opportunities enabled by the International Network. In terms of a whole-of-government response, the liaison network in the Americas is closely aligned with the Department of Foreign Affairs, Australian Customs and Border Protection Service, Attorney Generals Department and Immigration. This enables further opportunities for relationship building between Australia and the host nations.

Bogota Post, Colombia

The relationship between the AFP's Bogota Post and South American law enforcement is strong. The AFP was recently welcomed into the American Police Community (AMERIPOL) as one of 21 observer agencies. AMERIPOL is essentially modelled on police organisations such as Europol and Interpol.

Senior Liaison Officer, Bogota David Berston says the seven-year-old AMERIPOL is laying the foundations for a bigger and better future. "In the past, the law enforcement response has been quite fragmented within this region and working in isolation. Now through this forum they are starting to work together," Federal Agent Berston says.

Fighting the drug cartels certainly has its challenges. It is a continually morphing environment where Federal Agent Berston says you squeeze the balloon in one place and it pops out sideways somewhere else. "The quantities here are







ridiculous," he says. "Just about daily they are seizing hundreds of kilograms of drugs in various parts of this region."

Successful efforts by Colombian law enforcement have contributed to the displacement of coca cultivation and cocaine production to Peru and Bolivia. According to estimates by US Joint Interagency Taskforce South, up to 23 per cent of South American cocaine production is now emanating from Peru. A portion of the cocaine produced in Peru is being shipped to Australia, but the end destination for the bulk of Peruvian cocaine is unclear.

Ecuador, the departure point of the JaReVe, is becoming increasingly important for law enforcement because of the displacement effect of counter narcotic operations in Colombia. Driven by the profit margins, availability and the often poor socio-economic conditions in much of still-developing Colombia and South America in general, the rewards are high and the risks are, at least for the time being, relatively low.



Commander David Sharpe says the mark-up on South American drugs motivates criminals.

Meanwhile, the rise of Mexican cartels within the Central American region is having a significant impact on neighbouring countries. This is highlighted by significant increases in violent crime especially in El Salvador, Guatemala and Honduras. It suggests that the epicentre of drug trafficking-related violence may be moving into Central America.

"It is just a completely different world over here," Federal Agent Berston says. "In Colombia for instance, the proportion of poor people is very high with many people displaced from their homes and community due to the ongoing guerrilla war with the FARC [Revolutionary Armed Forces of Colombia] and other criminal groups. Colombia has one of the highest rates per capita of displaced people in the world.

"It is very simple, a lot of these people are very poor, and with Colombia being the historical area for cocaine production there is a significant criminal element in the community that takes advantage of the situation that these people are in with drugs and crime being an easy avenue to make money. Additionally with the FARC involvement with drug trafficking, particularly in controlling important drug routes out of Colombia, the situation for the Colombian people is unique and highly complex."

The successes of law enforcement, both foreign and domestic, combined with focused government policy has effectively limited the Colombian based syndicates ability to operate at the levels they previously enjoyed. This, however, has not eradicated or decreased the drug problem within the region, it has just moved it elsewhere – the 'balloon effect'.

In this case other countries in the region, such as Peru, are becoming significant producers of cocaine; Ecuador has become a significant trans-shipment point. However those countries do not have the same government policies, funding and support for law enforcement so the problem intensifies.

Increased immigration from South America to Australia is also being exploited by Australian criminal organisations. For instance outlaw motorcycle gangs (OMCGs) are using the family relationships of those who gravitate to the OCMGs in Australia to gain direct access to drug connections in South America.

Meanwhile, the never-ending attempts to export drugs from South America continue. "We get intelligence reports weekly," says Federal Agent Berston. "Australia is being targeted by criminal groups utilising what ever methods are available: from small craft, sea containers, couriers through the airstream and in some cases using corrupt insiders to facilitate the transport of drug to our country."

Fast boats are used to take drugs offshore to upload to other small craft or container ships and avoid taking drugs through ports. The emergence of semi-submersibles and submarines are just one further criminal innovation to ship drugs in sea lanes. Now in the South American sailing season, drug syndicates are soliciting people with yachts – or buying their own to transport cocaine to Australia.



The formation of the American Police Community is unifying the law enforcement effort in South America.

"We recently assisted with an operation in Panama that has not yet come to fruition. The criminal group had problems with the yacht on this occasion. However, I strongly suggest they will keep trying as the rewards are so high and risks are so low. We receive intelligence on similar ventures regularly, particularly this time of the year as the sailing conditions to Australia from here are optimal."

The air stream is equally vulnerable. Federal Agent Berston says law enforcement went to resolution in Australia on a syndicate that was transporting cocaine 20 to 40kgs at a time. Using trusted insiders from an airport in a country in this region they were placing the drugs in baggage which was identified and received in Australia to subsequently enter into the distribution chain.

"It's not just always cocaine," he says. "Methamphetamine, heroine and synthetic drugs are all produced and transported from this region and those enterprises are growing. It is ill conceived to focus on and target specific commodities like cocaine. The syndicates are just about making money and whatever commodity suits will be used towards that goal."

This is the importance of AMERIPOL. Federal Agent Berston says the opportunity for collaboration between the 30 member countries and 21 observer counties and organisations, including US and European agencies, cannot be overstated. He is hugely optimistic about the innovations within AMERIPOL that are just around the corner.

"It's a great opportunity to engage in and develop strategies in which we can all benefit from."

The opportunity for collaboration between the 30 member countries and 21 observer counties and organisations, including US and European agencies, cannot be overstated.

The Spanish are currently developing an information sharing database that member nations will link to, similar to the Interpol database. "It is going to be invaluable when it gets up and everyone starts using it," Federal Agent Berston says.

Another innovation is collaborative training. "A lot of this is about cooperation and collaboration. The joint training is where they are really going to get a good purchase on what they need to do to start fighting these bigger cartels. This forum is enabling them to start working together."

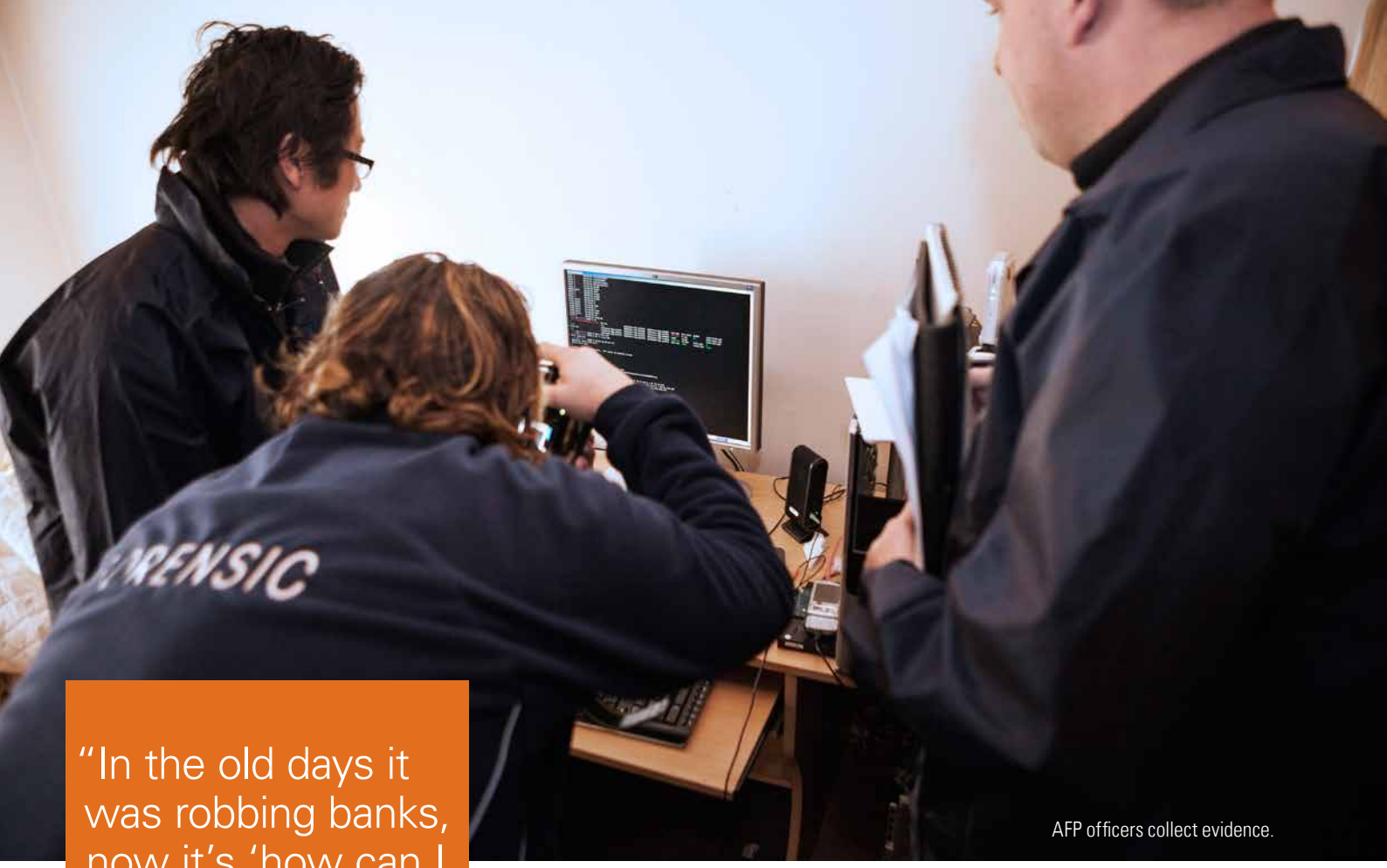
A unified law enforcement response in the South and Central Americas spells bad news for criminal syndicates. A collaborative offensive on cartels would circumvent the balloon bubble effect created by the success of law enforcement and government policy in a country such as Colombia. It may just burst the balloon altogether.





Call disconnected

Telecommunications data retention is a critical issue for law enforcement to prosecute serious criminals and the public needs to know the issues.



AFP officers collect evidence.

"In the old days it was robbing banks, now it's 'how can I access information that I can monetise'

The rise of the digital age has changed lots of things. Even language itself has not been spared the relentless march of the digital revolution. For the most part the average person can simply enjoy the fantastic advantages of hopping onto the cyber highway.

Yet, the digital age is no respecter of tradition. The industrial age has taken a lot of hits. Retail outlets, banking, venerable media agencies – all people have felt the sting of digital innovation as the 'rivers of gold' run online and go global. Does anyone remember where their local video store used to be?

Law enforcement agencies and the business of catching criminals also has been blurred by the digital age. Crimes now more easily cross international boundaries. An offender may well be downloading child pornography in Australia, while the Internet Service Provider (ISP) they use is overseas. Furthermore, the data storage may well be outsourced to a third party in another country. Yes, it's complicated.

In fact, the digital age offers as many potential advantages to criminals as it does to the average person and law enforcement. For example, turning up at a bank with a sawn-off shotgun and balaclava in broad daylight is a risky business. Attacking the digital records of financial institutions and citizens is a much safer and more lucrative option for criminals.

"I could arguably be sitting in my bedroom in Belarus in my pyjamas and be attacking a bank in Sydney or Melbourne and emptying the bank accounts," says National Manager High Tech Crime Operations, Tim Morris.

"In the old days it was robbing banks, now it's 'how can I access information that I can monetise'? Sometimes it might be through various steps, but information is valuable to someone especially when they can monetise it. The simplest concept is credit card data. For instance, I can steal the credit card numbers and names and expiry dates and I can monetise that very easily."

Creating legislation that can keep pace with this level of constant change is problematic. The current review of the *Telecommunications Interception and Access Act 1979* (TIA Act) is a perfect example of how the transition from an industrial world to the digital age is, well – complicated.

The Act was drafted in the days when Telecom was Australia's sole telecommunications company (telco), landlines were in practically every home and sentinel-like phone boxes dotted city, suburbs and country towns alike. Back in those days, every phone call made left a trace or footprint that when necessary could be used to assist investigations. The concept that Australian families would soon have six international communications devices connected to their own wireless comms network was like some bizarre science fiction story.

The outcome of the TIA Act review is a critical concern for law enforcement agencies in Australia. It is not an overstatement to say that it could fundamentally hobble police agencies in fighting crime.

Metadata

The TIA Act outlines the criteria under which government agencies can access a communications network or device in the course of lawful duties. An important component of the Act deals with what has come to be known as metadata in the digital age. Metadata is basically what used to be known as 'call charge records'.

As the name implies, the call records of each landline were captured and stored by telcos in order to bill customers when they accessed the service. The telcos needed information such as when, how long and over what distance the phone call was made – and importantly, from and to whom the call was made. Essentially, it was in their commercial interest to keep the information so they could bill the customer.

Call records also are still extremely important to police investigations when approaching an offence in retrospect. Even if it was just to establish that Suspect A talked to Suspect B at a certain time on a certain date and at a certain location. These call records are still a primary means of establishing an investigation and attributing an action to an individual.

It was not an actual recording of the content of the phone call. Other criteria for a warrant apply when police believe there is justification to intercept a communication device in a current investigation. Call records were simply the administrative log entries of each phone call made.

The digital problem is that landline phones in homes and public spaces have almost disappeared faster than video stores. A report by the Australian Communications and Media Authority in 2013 states home fixed-line use dropped as Australia's most used communication tool from 22 per cent in 2012 to 16 per cent in 2013. In short, call records are diminishing as a dependable crime-fighting resource.

Telcos already store less reliable data in the digital age and for shorter periods of time depending on phone plans. A big frustration for law enforcement comes in the form of unreliable information held for pre-paid phones.

As the business need for maintaining metadata diminishes, so too is the data that police are retrieving on criminal suspects across all crime types.

Even so, the big difference now is that ISPs and telcos may charge only for the amount of data an individual uses. They don't need to know who a person is contacting. So long as the user keeps paying the monthly contract rate then the ISP or carrier keeps the service connected. There is no need for the ISP to keep and store extensive data records. Essentially, it's not in an ISP's commercial interests and so the valuable footprint left by communications is being lost.

The problem has compounded with the emergence of voice-over-the-internet protocols and smartphones. An individual can download any number of free phone applications, many of which are encrypted, and chat to anyone in the world over the internet for the price of the data usage. Unless metadata records are kept then this valuable source of information vanishes into the ether almost immediately.

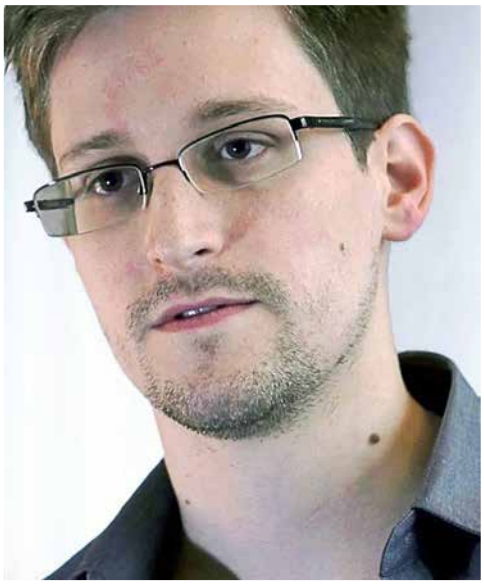
When the National Broadband Network is completed, communications will be exclusively transmitted through digital data. As the business need for maintaining metadata diminishes, so too is the data that police are retrieving on criminal suspects across all crime types. Police are losing a fundamental building block for criminal investigations.

"I can hardly think of one investigation that doesn't include some cyber related aspect to it," Assistant Commissioner Morris says. "Even a telephone communication, an SMS, an email, a chat book log, what have you – from murder to kidnapping to drug importing to money laundering. You name it, there seems to be some sort of technology aspect to virtually everything we do."

Without a commercial imperative to retain the metadata, police are looking to legislation to guarantee the retention of metadata. That's why the TIA Act review is such a concern. It's hard to imagine that most people would have an issue with police catching serious criminals. But the public debate on privacy issues in the digital world changed drastically in 2013.



Computer technology is seized during an operation.



Edward Snowden has impacted the debate on metadata.

Edward Snowden

Edward Snowden is a computer systems and telecommunications specialist who, in short, worked very deeply inside the US intelligence world for several years. Snowden's significance is that in May 2013 he disclosed, in some estimates, more than a million classified documents to media outlets from his years as an intelligence insider. The leaks revealed numerous intelligence programs, tools and techniques used by US and other international intelligence agencies, including Australia.

Depending on one's world view, Snowden has been called everything from a hero to a traitor. But the problem with the Snowden revelations is that it has clouded significant democratic issues. The debate over public privacy and covert surveillance by governments is unfolding across the world in the wake of Edward Snowden's release of documents. Assistant Commissioner Morris says it is confusing the public debate in Australia just as the TIA Act is due for review.

"Unfortunately, the police have also been caught up in this debate and I would argue a little bit unfairly. There are some real differences between how the intelligence agencies are legislated, governed and overseen that are very distinct to the police's philosophical approach to intelligence led policing and investigations. There are fundamental differences that make the comparison not really a meaningful one."

Privacy vs anonymity

Snowden initiated an international debate on just how far governments should intrude into the privacy of individual citizens. The AFP submission to the TIA Act review wholly supports protection of privacy. But the submission urges that the AFP considers "… it timely to review the TIA Act and ensure that it remains an effective tool for law enforcement".

Assistant Commissioner Morris says there is a distinct difference between a person's right to privacy and a right to remain anonymous – especially



Former Director General of Security ASIO David Irvine and the AFP Deputy Commissioner National Security (now Commissioner) Andrew Colvin meet the media to explain the proposed new policy to retain metadata.

'We are not interested in people per se; we are interested in suspected criminals who engage in a whole wide range of unlawful activities in this digital space...'

when an offence is committed. He says the open and transparent lawful processes used by police in Australia to access metadata have little to do with privacy issues.

"We don't want to know who most people are," Assistant Commissioner Morris says. "We are only interested in people whose conduct is deemed unlawful. We are not interested in people per se; we are interested in suspected criminals who engage in a whole wide range of unlawful activities in this digital space – from terrorism, theft and child molestation to selling child pornography. They are the people we are interested in."

Assistant Commissioner Morris cites number plates as the perfect example. He says registration plates ensure privacy. "It doesn't have your name, address and date of birth on the registration plate," he says. "So you are afforded privacy. But if you are suspected of committing an unlawful act like a hit and run then there's an easy point for the police to ascertain who the driver of the car was. We can attribute the car to the person.

"So, yes, the AFP believes everyone has a right to privacy – particularly in the online environment. We do not have an argument. But do you have a right to anonymity, especially for unlawful purposes? We would argue not."

Conclusion

Assistant Commissioner Morris sympathises with legislators. He says law makers have the responsibility of keeping the community safe, while needing to manage the intrusion into people's privacy.

"In liberal democratic societies like ours, it is always going to be a contest between getting privacy issues balanced with access issues," he says. "It's a difficult job for legislators to get that balance right because public sentiment changes. It's not a constant."

Even so, Assistant Commissioner Morris says the AFP is not looking for an increase in powers under the TIA Act review. He says the AFP submission continues to support the "necessarily rigorous" provisions where only an authorised agency can intercept or access information. Rather, it is an opportunity to update the legislation to accommodate a new world.

The AFP submission itself states: "Much like the inflationary increase in the general price of goods and services in an economy leads to a reduction in buying power for consumers, the exponential changes to the telecommunications landscape has reduced the ability of agencies to effectively undertake lawful interception in the way intended by legislation. Reform is not a bid for more powers but an attempt to maintain existing capability in an increasingly complex environment."



Malicious Mr Evil

Mr Evil's digital trail of destruction ultimately spelled his own downfall and a gaol sentence.

Probably the best illustration of how digital 'metadata' assists law enforcement agencies in bringing criminals to justice is an example of a crime itself. On that score, there is no better investigation than Operation Damara and the self-proclaimed Mr 'Evil'. It shows both the problem of not having metadata and, conversely, how having metadata enables a successful investigation.

Metadata is the computer and telecommunications records left when an individual accesses a communications network. Presently, there is no law in Australian that compels telcos and internet service providers (ISP) to retain telephone call records or metadata for a certain time. Retention of this vital investigation resource is inconsistent and essentially up to each company.

Detective Superintendent Brad Marden was the National Coordinator Cybercrime Operations during Operation Damara in the 2011 investigation that led to the arrest of David Noel Cecil (aka 'Evil' in the virtual world). Detective Superintendent Marden says it was computer metadata that finally enabled the vital connection between David Cecil and the moniker, Evil.

"Essentially, metadata allows us to retrospectively track someone who may have been at a certain place at a certain computer at a certain time," Detective Superintendent Marden says. "It goes back to the old days with the telephone. If you have made the phone call to set up the drug import you have left a record behind.

"It's no different in the computer world. But if you don't have that ability to see who made the contact; essentially your investigation stalls.

"If you know something is going to happen you can apply for telephone intercepts and you can use surveillance. But if you are looking retrospectively after an event has occurred the only data that will be ever available is the stuff that is captured prior to the event."

Detective Superintendent Marden says practically every investigation relies on obtaining metadata from telcos and ISPs.

"Essentially, it is a targeted request for metadata information and each individual request, if authorised, is made for a specific purpose to further the investigation," Detective Superintendent Marden says.



AFP Federal Agents end the digital vandalism of David Noel Cecil (aka Mr Evil).

"We are not collecting content data, we are not keeping a record of everybody's conversations and we don't do big data matching. We don't do it, we can't do it and we are not asking to do it."

Unfortunately, someone using the moniker, Evil, managed to cause $10 million in damage for which no one has been arrested precisely because there was no metadata retained that could link Evil to any known person at that time.

The moniker, Evil, had already come under suspicion of AFP investigators for computer intrusions. At that point he was identified as a suspect in the defacement of a prominent Australian university's website In January 2011. In May, the AFP's Cybercrime Operations received further notification from a US internet service provider of a system intrusion believed to have come from Australia.

But it was in June 2011 that Evil struck his most malicious blow. On Saturday 11 June 2011, the website of a top-level domain registrar DistributeIT was defaced. The intrusions became increasingly more severe and the attacker subsequently issued commands inside the DistributeIT network itself.

Ultimately, Evil advanced to deleting websites hosted by the company including backup data. It is estimated that over 250,000 customers were affected by the incident. The attacks put DistributeIT out of business.

"The business was completely destroyed," says Detective Superintendent Marden. "About $10 million damage – a malicious actor.

"The stumbling block on the initial investigation was that Evil was using a 3G modem and there was no data retention. We could never prove it. It wasn't until we actually caught someone for another crime with the same nick."

What AFP investigators did discover was that the as yet unidentified person was continually using a unique nickname, Evil. "We then started looking on the web for this Evil character and through metadata identified somebody who was using that nick – David Cecil."

AFP investigators sought and were authorised to use telephone intercepts and listening devices. David Cecil was then caught in the act of attempting to destroy yet another company.

The sole motivation for the crime was malice. In a former age, this type of person would largely have been constrained to defacing shop windows with spray paint. But in the digital age he was enabled by technology and with skills he had learnt entirely from the internet. David Cecil had absolutely no formal IT training at all.



Cooperation is the secret to AFP success

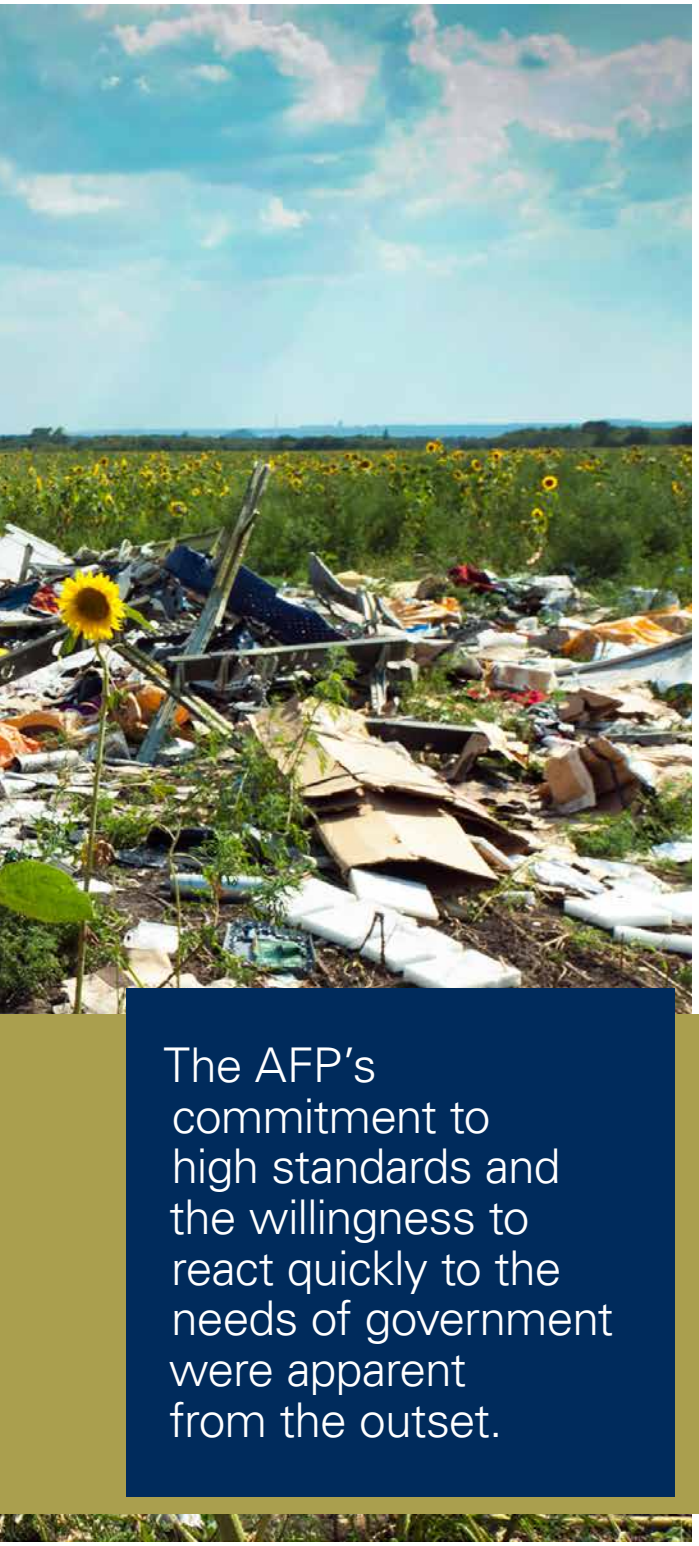
The AFP celebrated 35 years of serving the nation on 19 October.

By Terry Browne,
Team Leader Recognition and Ceremonial

Since it began operations on 19 October 1979, the AFP has constantly pursued its mission to provide dynamic and effective law enforcement to the people of Australia, repeatedly proving that it is a leader in law enforcement innovation and achievement.

The AFP was formed in the aftermath of the bombing of the 1978 Commonwealth Heads of Government Regional Meeting at the Sydney Hilton Hotel. The new national police force was originally meant to be an amalgamation of the Australian Capital Territory Police and the Commonwealth Police, a move designed to address law enforcement concerns raised by the investigation into the bombing.

As a result, the AFP was created to primarily address terrorism, provide a policing service to the ACT community and investigate crimes against Commonwealth Government programs. Barely three weeks after commencing operations, then Prime Minister Malcolm Fraser unexpectedly announced that the AFP would take on drug investigations as well. For some observers, this was a departure from the planned orderly implementation of a new national police service. Drug investigations had not been included in this new federal policing concept for fear that this toxic trade would impact on its operational integrity.



AFP and Dutch police inspect the Malaysia Airlines MH17 crash site.

The AFP's commitment to high standards and the willingness to react quickly to the needs of government were apparent from the outset.

The AFP's commitment to high standards and the willingness to react quickly to the needs of government were apparent from the outset. The unexpected inclusion of drug investigations was facilitated by the transfer of 80 selected Narcotics Bureau officers from Customs; this additional expertise enabled the AFP to quickly engage in major offences in this field.

Being able to react quickly to changing circumstances has enabled the development of a multi-faceted organisation able to effectively engage with new and emerging crime as well as more traditional and established crime types. This ability has not been limited to service to the Australian community; the AFP inherited the responsibility to maintain an Australian police presence with the United Nations peacekeeping contingent in Cyprus.

This responsibility dated back to 1964 and remains an ongoing commitment. The ability of Australian police to deliver a quality service in the international arena has led to ongoing requests for the AFP to assist in many of the world's trouble spots. Such has been the demand, that in 2004 the International Deployment Group was established to consolidate the specialist training and administration required to support Australian police contingents serving overseas.

While specific strategies need to be developed for each mission, the experience originally gained in Cyprus has been turned to the benefit of many countries including Haiti, Cambodia, Mozambique and Afghanistan. Currently there are AFP contingents serving in Timor-Leste, Papua New Guinea and Solomon Islands with a variety of development programs underway with several countries in the Pacific region. Again the cooperative approach with law enforcement agencies throughout the region has provided a net benefit for all concerned.

Beginning with 2932 staff and a budget of $67 million, today in order to deal with the demands of investigating crime in a 21st century society, the AFP's 2013-14 annual report listed staffing at 6853 and a budget of almost $1.4 billion. This growth in staff numbers and budget is a direct reflection of the more complex and diverse investigations being undertaken. To better perform its role, the organisational structure of the AFP has also had to evolve. During various stages of this 35-year journey the entire workforce has been brought under the AFP Act and the 'One AFP' philosophy.

While the 'One AFP' philosophy is now applied to all AFP activities, it historically has been demonstrated in the AFP's approach to significant overseas operations. For example, within hours of the news of the 2002 Bali bombings, the AFP was able to place investigative and support staff at the crime scene at the invitation of the Indonesian Government.

A similar rapid response was possible with the call to render assistance in the aftermath of the 2004 Indian Ocean Tsunami. Again as recently as July this year, the AFP was able to have the officers on the way to



AFP forensic officers assist with the Bali bombings investigation.

the Malaysia Airlines MH17 crash site as soon as the mission was endorsed by the Australian Government.

If it was the terrorism of the Sydney Hilton bombing that proved a catalyst to create the AFP, it was the world-wide consequences of the terrorism attack on the United States on 11 September 2001 that reshaped the AFP with the integration of the functions of the Australian Protective Service (APS) into the AFP.

Those functions were separated from the AFP in 1984 with the creation of the APS as a stand alone protective service agency. The 9/11 attacks made it clear that to adequately protect Australia, the APS protection functions at airports and government establishments needed to be combined with the AFP counter terrorism role. The successful integration of the APS with the AFP is yet another example of how the AFP can readily adapt to the changing nature of crime.

From the outset, the AFP's first commissioner, Sir Colin Woods, recognised that for the AFP to be effective it had to work in collaboration will all its contemporary law enforcement agencies, particularly Australia's state police jurisdictions.

As the then head of Australia's newest policing organisation, Commissioner Woods immediately set about instigating a cooperative approach with the other law enforcement agencies in Australia.

> "... I feel confident that together, and with the support of our well established partnerships, we are well equipped to meet the tasks that lie ahead."

In his first year as AFP Commissioner he held four formal meetings with the state police commissioners. He said: "There is every reason to believe these meetings have laid the foundations for strong and lasting ties and have served to resolve a number of the difficulties in Commonwealth–state police relations. The assistance readily provided to the AFP in its formative stages by these other agencies is appreciated and will serve to further enhance the growing relationship."

Apart from its own achievements over the past 35 years, the AFP can take pride in its participation in this progressive change in Commonwealth-state police relations. Partly due to necessity, and partly because of the willing adoption of best practice policing methods, relationships between Australian policing agencies no longer exhibit the sometime fractious relationships of the distant past.

Commissioner Andrew Colvin endorsed the ongoing importance of this relationship when he was sworn in as the AFP's seventh commissioner on 1 October 2014. In his first media conference as AFP Commissioner, he said: "The AFP will continue to be faced with unique and difficult challenges; however, I feel confident that together, and with the support of our well established partnerships, we are well equipped to meet the tasks that lie ahead.

"I look forward to working with our local and international law enforcement partners to address threats such as terrorism, organised and transnational criminal groups, and technology-enabled crime.

"I also look forward to the AFP continuing to provide a highly effective community policing service to the people of the Australian Capital Territory. The AFP is a relatively young police force, however, as with every police organisation, its strength lies in the quality of its people."

AFP

AUSTRALIAN FEDERAL POLICE

AFP4281